



Crl.O.P.No.22669 of 2024

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P.DHANABAL, J.

The petitioner who apprehends arrest for the alleged offences under Section 8(c) and 20(b)(ii)(B) of the NDPS ACT in Crime No.137 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that during regular checkup, the petitioner along with the other accused persons were found in possession of 1.200 kgs of ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He submitted that the petitioner is willing to furnish substantial sureties for his/her due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner .



CrI.O.P.No.22669 of 2024

for the respondent police submitted that the petitioner and the first accused are wife and husband respectively. The petitioner along with the other accused was found in possession of 1.2kgs of ganga and the materials were seized. He further submitted that there is no previous case as against the petitioner and considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and also taking into consideration the quantity of materials seized and since they are not commercial quantity and further, there is no previous case as against the petitioner and also taking into consideration of the fact that only based on the confession statement of the co-accused the petitioner was arrayed as one of the accused, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate, Palacode** on condition that the petitioner shall



CrI.O.P.No.22669 of 2024

execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only),

with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the NDPS Court, Judicial Magistrate -1, Salem on all working days, until further orders.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the



Crl.O.P.No.22669 of 2024

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conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.09.2024

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Crl.O.P.No.22669 of 2024